



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DR. NAPOLEON JWAN FREEMAN,
Plaintiff,

Lead Case No. 7:05-CV-00681
Case No. 7:05-CV-00711

DR. ANGLIKER, et al.,
Defendants.

DISMISSAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

By order entered February 13, 2006, the plaintiff was assessed a filing fee in the amount of \$250.00. See 28 U.S.C. § 1914(a). The plaintiff was granted the right to proceed without prepayment of the full filing fee, pursuant to 28 U.S.C. § 1915(a)(2). However, the court directed the plaintiff to sign and return a consent to withholding form. This form would have provided authorization for the appropriate prison officials to withhold an initial payment of \$27.00 from the plaintiff's inmate account, and to collect on a continuing basis each month, an amount equal to 20 percent of each prior month's income, until such time as the \$250.00 filing fee is paid in full. See 28 U.S.C. § 1915(b). The plaintiff returned the consent form on February 23, 2006. The plaintiff indicates that he will not consent to the withholding of funds from his account. The plaintiff contends that he is not required to pay the \$250.00 filing fee because he is a diplomat.

Because the court is aware no legal authority to support the notion that incarcerated diplomats are excused from paying the \$250.00 filing fee, and since the plaintiff refuses to provide the appropriate payment, it is now

ORDER

that the plaintiff's consolidated civil actions shall be and hereby are **DISMISSED** without prejudice and stricken from the active docket of the court. The plaintiff may refile his claims in a separate

action at such time as he also prepays the \$250.00 filing fee or signs and returns the consent to withholding of fees form.

The Clerk is directed to send certified copies of this order to all parties.

ENTER: This 24th day of February, 2006.



United States District Judge